



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/586,258

09/12/2006

Michel Evin

0526-1128

4891

466 7590 09/16/2008  
YOUNG & THOMPSON  
209 Madison Street  
Suite 500  
ALEXANDRIA, VA 22314

EXAMINER

TROUTMAN, MATTHEW D

ART UNIT

PAPER NUMBER

3671

MAIL DATE

DELIVERY MODE

09/16/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/586,258	<b>Applicant(s)</b> EVIN, MICHEL	
	<b>Examiner</b> MATTHEW D. TROUTMAN	<b>Art Unit</b> 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/18/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the element numbers in Figure 8 are not consistent with the font used on the other Figures (see MPEP 37 C.F.R. 1.84(l)). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figs. 6 & 8 - "10". Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities: the specification submitted by Applicant lacks the proper section titles; the sections are listed below.

#### **Content of Specification**

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.
- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
  - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."

Art Unit: 3671

- (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).

Art Unit: 3671

- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (l) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

Appropriate correction is required.

### ***Claim Objections***

- 4. Claim 6 objected to because of the following informalities: “the so-called rear series” lacks antecedent basis; further the phrase “so-called” is unclear in the claim and appears to be unnecessary. Appropriate correction is required.
- 5. Claim 12 objected to because of the following informalities: Typographical error - Line 4 – it appears Applicant intended “seat depositor” to be “seed depositor”. Appropriate correction is required.
- 6. Claim 13 objected to because of the following informalities: Line 2 – “the discs” lacks antecedent basis. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

- 7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 3671

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Regarding claims 1, 5, 6 and 13, the phrases "in particular", "preferably", "particularly" and "such as" render the claims indefinite because it is unclear whether the limitation(s) following the each phrase are part of the claimed invention. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 2, 6, 10, 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 1 300 060 - Achten (cited by Applicant).

Regarding claim 1, Achten teaches (relying on the translated search report provided by Applicant):

A soil working machine (column 1, lines 1-2) comprising a chassis (2) equipped with tillage implements (4,4') in the form of at least two successive trains (7,8) of non-driven discs (4,4') and at least one deflecting device (20) shaped to break the flow of soil projected by the discs of one of the trains of discs and to level the soil on the ground (column 2, line 56 to column 3, line 5), wherein the deflecting device, in its working part corresponding to the area struck by a flow of soil, comprises a plurality of plates (column 3, lines 16-18, Claim 10) that can vibrate

Art Unit: 3671

especially under the action of the flow of soil, to facilitate the detachment of the soil from said plates (column 2, lines 5-7), said plates being arranged side by side in the direction of the width of the machine and designed to cover at least 45% of the total working width of said machine (see figure 1: the plates are spread over approximately 100% of the total working width of the machine).

Regarding claim 2,

Wherein each plate is provided with its own means for connection to the machine (Fig. 1 - as shown each deflector device 20 is independently connected to the machine) independently of the other plates.

Regarding claim 6,

Wherein the deflector devices shaped to break the flow of dirt projected by the front series of discs (Fig. 1 - front row of deflector devices 20 are shaped and positioned to break the flow of dirt from the front series of discs) and are coupled for movement with rear series of discs (Fig. 1 as coupled).

Regarding claim 10,

Wherein the plates are aligned along a line substantially perpendicular to the direction of travel and corresponding to the working width of the machine (Fig. 1 – deflector devices as shown aligned perpendicularly to the direction of travel and corresponding to a working width of the machine).



Regarding claim 11,

Wherein the plates are positioned in an axially offset manner relative to the direction of advance of the chassis (Fig. 1 – deflector devices positioned as shown).

Regarding claim 13,

A deflecting device designed to break the flow of soil projected by the discs of a soil working machine (column 2, line 56 to column 3, line 5), equipped with at least two successive trains (7,8) of discs (4,4'), wherein said deflecting device, in its working part corresponding to the area struck by a flow of soil, comprises a plurality of plates (column 3~ lines 16-18, claim 10) that can vibrate especially under the action of the flow of soil (column 2, lines 5-7), said plates being able to be positioned side by side in the direction of the working width of the chassis (2) of the machine (see figure 1) to be fitted using connection means to the appropriate machine (column 4, lines 7-9).

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Achten as applied to claim 1 above, and further in view of US 5,269,380 – Lofquist et al.

Regarding claim 3, Achten lacks the connection means as specified.

Lofquist teaches:

A deflector plate (38) with the connection means extending between the chassis and the plate (40) and constituting support means for a member for connection of a disc shaped object (connection means (24) supports element 22 which supports the disc shaped wheel).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Achten to include the connection means as claimed as Lofquist has taught it to be old and well known in the art to connect a deflector plate to the support by means which also support the connection element of a disc-like element.

Achten in view of Lofquist lack wherein the connection is located to the rear of the plate, however it would have been obvious to a person of ordinary skill in the art at the time of the invention to place the connection to the rear of the plate as Applicant has not defined wherein the connection location is essential to the invention and further other connection locations, such as the location taught by Lofquist, appear to work equally as well.

Art Unit: 3671

13. Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Achten in view of Lofquist as applied to claim 3 above, and further in view of US 6,223,832 – Hook et al.

Regarding claim 4, Achten in view of Lofquist lack the stirrups and a plate.

Hook teaches supporting a group of plate members by at least two stirrups (44) and a plate member (plate attached to bottom of U-shaped bolts used to close the stirrups and create a clamping action).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Achten in view of Lofquist to include the stirrups and plate as a clamping device to support the group of plates as Hook has taught it to be old and well known in the art to use this kind of supporting arrangement on a disc tillage device.

14. Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Achten in view of Lofquist in view of Hook as applied to claim 4 above, and further in view of US 779,528 - Collier.

Regarding claim 5, Hook further teaches a spring member (18) supporting the disc and plate members (24) used to clamp the spring member to the frame.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to further modify Achten in view of Lofquist to include wherein the

Art Unit: 3671

connection member of the disc is a spring as Hook has taught it to be old and well known in the art to connect the disc members to the frame with a spring to provide flexibility during operation.

The combination lacks the helicoidal spring with at least one turn.

Collier teaches an attachment on ground engaging support by a spring constituted by a helicoidal spring (10) having at least one turn.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the spring of the combination to be constituted by a helicoidal spring as Collier has taught it to be old and well known in the art to provide a helicoidal spring on a ground engaging device to provide flexibility during operation.

Achten in view of Lofquist in view of Hook in view of Collier teaches plate members for clamping the discs and the plates to the frame (Hook - Fig. 1 - as shown by 44; and 24).

The combination lacks the throat within one end of the connection member is introduced, however it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the plate configuration of the combination to include a throat member for providing better clamping means around the end of the connection member as Applicant has not defined this

Art Unit: 3671

element solving any problems in the art over prior clamping configuration and further it appears as though other clamping configuration would work equally as well, such as those taught by Hook.

15. Claim 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Achten as applied to claim 1 above, and further in view of US 2,949,968 - Stoner.

Regarding claim 7, Achten lacks wherein the connection means extends between the plate and the member for connecting the disc.

Stoner teaches wherein the connection means (17) for a deflector plate (18) extends between the plate (18) and the member for connecting the disc (7).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Achten to include the connection orientation as claimed as Stoner has taught it to be old and well known in the art to connect a plate directly to the connection means of the disc.

16. Claims 8, 9 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Achten as applied to claim 1 above, and further in view of US 4,127,074 – van der Lely et al.

Regarding claim 8, Achten lacks wherein the deflector device is a plate made of a single piece.

Art Unit: 3671

van der Lely teaches a deflector device (13) made of a single plate wherein the plate comprising a base portion secured to the machine (upper portion of 13 secured to the machine) and the plate having working portions (14).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Achten to include wherein the plate is a single piece with a base and a working portion as van der Lely has taught it to be old and well known in the art to provide a deflector device of a single piece comprising a base and a working portion for deflection soil.

Regarding claim 9, The claimed subject matter is seen to be purely a method of making the plate and does not further add any structural features to the device previously discussed. As such, it is viewed that the device as taught by Achten in view of van der Lely as applied to claim 8 meets all structural elements of this claim and further the plate can be made from a blank of sheet metal as claimed.

Regarding claim 12, Achten lacks the seed depositor.

van der Lely teaches seed depositors (17) on the back of the deflector plate.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Achten to include a seed depositor on the back of the

Art Unit: 3671

deflector plates as van der Lely has taught it to be old and well known in the art to place seed depositors on the back of the deflector plate for depositing seeds.

### ***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW D. TROUTMAN whose telephone number is (571)270-3654. The examiner can normally be reached on Monday through Friday 7:30am to 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on (571) 272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3671

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas B Will/  
Supervisory Patent Examiner  
Art Unit 3671

/M.D.T./